IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 2425 OF 2007.

Shamshul Haq M. Hadis. ... Appellant.

Versus.

The Municipal Corporation of Greater Bombay and another. ... Respondents.

Shri S.K.Dubey for the Appellant.

Shri J.J.Xavier for the Respondent No.1-BMC.

CORAM : ABHAY S.OKA, J.

DATED : 18th December, 2007.

P.C.:

1. The learned Advocate for the Appellant tenders on record an affidavit of the Appellant dated 13th December 2007. The affidavit is marked "X" for identification and the same is taken on record.

2. In view of the said affidavit, the following order is passed:

i) First Appeal is dismissed as not pressed.

ii) It will be open for the Appellant to apply for regularisation of the suit structure within the period of six weeks from today. The Application for regularisation should be made in accordance with the Rules to the Authority referred to in paragraph 2 of the affidavit tendered today.

iii) If the Application for regularisation is made within the stipulated period of six weeks, same shall be decided by the Respondent-Corporation within a period of eight weeks from the date of receipt of the application. The order passed on the application shall be communicated by the Respondent-Corporation to the Appellant's Architect within a period of one week from the date of passing of the order.

iv) In case the Application for regularisation is made within the stipulated period of six weeks from today, for a period of 20 weeks from today, the Respondent-Corporation will not take action of demolition against the suit structure. However, if the Appellant fails to apply for regularisation within the stipulated period, on completion of period of six weeks, it will be open for the Respondent-Corporation to proceed to demolish the suit structure.

v) The parties to act on an authenticated copy of this order.

Judge.